Sectt. II-27—36,006—30-10-3

(16)

Home (1938) Department

Miscellaneous SERIES.

G.O. No. 628

DATED 26.3.1938

[Despatch Abstract.]

Legislative Assembly Question

December 1937. Price-Mangalore train

Death of Samuel Getty in the lock-up

Assembly Secretariat
21-10-1937.

QUESTION.

Mr. K. Ishwara.

HOM. DEPARTMENT.

106. Will the Hon. the Minister for Courts and Prisons be pleased to state:-

(a) whether it is a fact that in the month of May 1937, the Inspector of Police, Mangalore Town, arrested Lanku Shetty (driver) at Mangalore Town;

(b) whether there were any reasons justifying his arrest;

(c) what the reasons were for ~~his arrest,~~ and death, ~~and if so, how he died~~ in the Mangalore Town Police Lock-up Room;

(d) who reported the death to the Magistrate;

(e) whether the majority of the witnesses were police subordinates and whether the statements of non-police witnesses were recorded under Section 164 of the Cr.P.C.; and

(f) ~~whether it is a fact that the District Medical Officer examined the body, if so, at what time, and~~ what the statement of the District Medical Officer that was submitted to the Government in the matter was?

D.
/10.

HOME DEPARTMEN

Legislative Assembly Question.
No.106.
Mr.K. Ishwara.

Question	Draft Answer.
Will the Hon. the Minister for Courts and Prisons be pleased to state--	
(a) whether it is a fact that in the month of May 1937, the Inspector of Police, Mangalore Town, arrested Sanku Shetty (driver) at Mangalore Town;	(a) Sanku Shetty was arrested in May 1937 at Mangalore town, but by a head constable, not an Inspector;
(b) whether there were any reasons justifying his arrest;	(b) The arrest was made in pursuance of a warrant issued by the 1st class Bench Magistrates, Mangalore, for non-payment of a fine.
(c) what the reasons were for his death in the Mangalore Town Police Lock-up Room;	(c) The D.M.O. who conducted the post-mortem examination has certified that no opinion as to the cause of the death was possible on account of the state of decomposition which the body had reached at the time of the examination. It is not, therefore, possible to say what the reasons for the death were.
(d) who reported the death to the Magistrate;	(d) The Sub Inspector of Police, Mangalore town station.
(e) whether the majority of the witnesses were police subordinates and whether the statements of non-police	

11/12/37 — 3

Question	Answer
witnesses were recorded under sec.164 of the Cr.P.C.; and	(e) The Sub-Divisional Magistrate, Mangalore conducted an enquiry into the cause of death under order No.112 A(3) of Vol.I, of the Orders of the Madras Police. It is presumed that the Hon'ble member refers to witnesses examined in this enquiry.
vide his Complaint on pp.53-55 of the limited file No-II (P No. 1891/37)	Seventeen out of the thirty-three witnesses examined in this enquiry were police subordinates. The statements of witnesses were not recorded under sec.164 Cr.P.C. ~~That section is not applicable to an enquiry of the nature indicated.~~
vide para 5 on pp. 3-4 n.f. C.R.	
(f) what the statement of the District Medical Officer that was submitted to the Government in the matter was?	(f) In his evidence before the S.D.M., Mangalore, the D.M.O. stated that he found no injuries on the body except half a dozen punctiform skin abrasions on the left frontal eminence and nine similar abrasions over the bridge of the nose and the flabella and also an oval skin abrasion over the centre of the lower lid of the left eye; that these were all very minor injuries and might have been caused by deceased rolling on the floor and his face striking a hard surface like the floor; and that these injuries were most probably not caused by violence. The D.M.O added that on account of the state of decomposition of the body, no opinion as to the cause of death was possible.
A on p-7 n.f.	H.M.H. 1.12.37
Draft 3 copies 11/12/37	

13/12/37

Legislative Assembly Question No.106.

Mr. K. Ishwara.

Will the Honourable the Minister for Courts and Prisons be pleased to state -

(a) whether it is a fact that in the month of May 1937, the Inspector of Police, Mangalore Town, arrested Lanku Chetty (driver) at Mangalore Town;

(b) whether there were any reasons justifying his arrest;

(c) what the reasons were for his death in the Mangalore Town Police Lock-up Room;

(d) who reported the death to the Magistrate;

(e) whether the majority of the witnesses were police subordinates and whether the statements of non-police witnesses were recorded under Section 164 of the Criminal Procedure Code; and

(f) what the statement of the District Medical Officer that was submitted to the Government in the matter was ?

Home Department.

Answer.

(a) Lanku Chetty was arrested in May 1937 at Mangalore town, but by a head constable, not an Inspector;

(b) The arrest was made in pursuance of a warrant issued by the 1st Class Bench Magistrates, Mangalore, for non-payment of a fine.

(c) The District Medical Officer who conducted the postmortem examination certified that no opinion as to the cause of the death was possible on account of the state of decomposition which the body had reached at the time of the examination. It is not, therefore, possible to say what the reasons for the death were.

(d) The Sub Inspector of Police, Mangalore town station.

(e) The Sub-Divisional Magistrate, Mangalore conducted an enquiry into the cause of death under order No.112 A(3) of Volume I, of the Orders of the Madras Police. It is presumed that the Honourable member refers to witnesses examined in this enquiry.

Seventeen out of the thirty-three witnesses examined in this enquiry were police subordinates. The statements of witnesses were not recorded under Section 164 Criminal Procedure Code.

(f) In his evidence before the Sub Divisional Magistrate, Mangalore, the District Medical Officer stated that he found no injuries on the body except half a dozen punctiform skin abrasions on the left frontal eminence and nine similar abrasions over the bridge of both the nose and the flabella and also an oval skin abrasion over the centre of the lower lid of the left eye; that these were all very minor injuries and might have been caused by deceased rolling on the floor and his face striking a hard surface like the floor; and that these injuries were most probably not caused by violence. The District Medical Officer added that on account of the state of decomposition of the body, no opinion as to the cause of death was possible.

Fort St. George,
13th Dec.1937.

F. Secretary to Govt.

To the Secretary, Madras Legislature (Assembly Section).

Home U.C.19014 (2)
13--12--1937.

The above answer has been approved by the Hon'ble Mr. C. Rajagopalachariar, and the Hon'ble Mr.K.Venkatappa.

Death of Sanku Shetty in the police lock-up at Mangalore.

41 *Q.*—MR. K. ISHWARA: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether it is a fact that in the month of May 1937, the Inspector of Police, Mangalore Town, arrested Sanku Shetty (driver) at Mangalore town;

(*b*) whether there were any reasons justifying his arrest;

(*c*) what the reasons were for his death in the Mangalore Town Police lock-up room;

(*d*) who reported the death to the Magistrate;

(*e*) whether the majority of the witnesses were police subordinates and whether the statements of non-police witnesses were recorded under section 164 of the Criminal Procedure Code; and

(*f*) what the statement of the District Medical Officer that was submitted to the Government in the matter was?

A.—(*a*) Sanku Shetty was arrested in May 1937 at Mangalore town, but by a head constable, not an Inspector.

(*b*) The arrest was made in pursuance of a warrant issued by the First-class Bench Magistrate, Mangalore, for non-payment of a fine.

(*c*) The District Medical Officer who conducted the post-mortem examination certified that no opinion as to the cause of the death was possible on account of the state of decomposition which the body had reached at the time of the examination. It is not, therefore, possible to say what the reasons for the death were.

(*d*) The Sub-Inspector of Police, Mangalore town station.

(*e*) The Subdivisional Magistrate, Mangalore, conducted an enquiry into the cause of death under Order No. 112-A (3) of Volume I, of the Orders of the Madras Police. It is presumed that the hon. Member refers to witnesses examined in this enquiry.

Seventeen out of the thirty-three witnesses examined in this enquiry were police subordinates. The statements of witnesses were not recorded under section 164, Criminal Procedure Code.

(*f*) In his evidence before the Subdivisional Magistrate, Mangalore, the District Medical Officer stated that he found no injuries on the body except half a dozen punctiform skin abrasions on the left frontal eminence and nine similar abrasions over the bridge of the nose and the flabella and also an oval skin abrasion over the centre of the lower lid of the left eye; that these were all very minor injuries and might have been caused by deceased rolling on the floor and his face striking a hard surface like the floor; and that these injuries were most probably not caused by violence. The District Medical Officer added that on account of the state of decomposition of the body, no opinion as to the cause of death was possible.

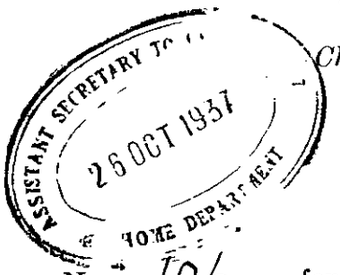
Legis. Assembly No. 3—3,506—23-3-37

180147

SECRETARIAT OF THE MADRAS LEGISLATURE,

Chepauk, dated the 22nd October 1937

26/10



QUESTION NO. 706 for the next meeting of the Legislative Assembly ~~to be held on the~~ ~~193~~ .

Two copies of this question are forwarded to the Home Department.

The question has been admitted.

HSR
26/10

To

The Home Department.

9/

182034

27/10.

GOVERNOR'S SECRETARIAT

U.O.NOTE No.1698-1DATED 26/10/37

SUBJECT: LEGISLATIVE ASSEMBLY ~~COUNCIL~~ QUESTION No 106

Arrest of Sanku Shetty (Mangalore Town) by the Inspector of Police, Mangalore Town.

The Home Department may be informed that under Secretariat Instruction 6(23) His Excellency the Governor desires that the file relating to the question referred to above be circulated to him before the answer is ~~are~~ sent to the Legislative Assembly Secretariat.

G.T.B.
26/10/37

To

The Home Department.

F o r w a r d e d.

(By order)

Superintendent.

Home Department

p. I C F. Clause (a) of the question.- Sanku Shetti was arrested by a head constable of Mangalore Town station and not by an Inspector of Police- vide the deposition of Head constable Sri Kanta on p.63 of file (L) in the linked case. (C No. 1891/37) (No. II)

C F. 2. Clause (b) of the question.- Sanku Shetti was arrested on a warrant issued by the First Class Bench of Magistrates, Mangalore, for non-payment of a fine of Rs 25. Vide the warrant on p.66 and the deposition on pages 63-64 of the file (L) in the linked case.× (No II) (C. No. 1891/37)

C.F. 3. Clause (c) of the question.- The cause of Sanku Shetti's death is not known. Please see the answer given to clause (c) of starred question No.56, on page 4 of G.O.4219 Home, dated 22nd 10- 1937. The M.L.A. may be referred to that answer. (E)

C.F 4. Clause (d) of the question.- Sanku Shettiis death was reported to the Sty. Sub Mgte, Mangalore, by the Sub Inspector of Police, Mangalore Town station. Vide the F.I.R. on page 25 of the file (L) in the linked case. (No. II) (C.No. 1891/37)

C.F. 5. Clause (e) of the question.- Altogether 33 witnesses were examined in connection with the case, as shown below.-

× in linked Case (No. II) (C No. 1891/37)

Twenty three witnesses between the 4th and 7th May 1937- vide the list on p.139 of the file at (L)× in the linked case

Four witnesses between the 9th and the 13th May 1937 vide pages 143- 152 of the file at (L) in the linked case

& Five witnesses on the 19th and 20th May 1937. vide pages 11- 23 of the file at (R) in the linked case.

One Immanuel Airon, now an inmate of the Borstal School, Palamcottah, was examined by the S.D.M. Tinnevelly on 3- 6- 1937

Police subordinates-	15
D.M.O.	1
Sub Magistrate	1
Private individuals	6
	23

Ø in linked Case (No. II) (C. No. 1891/37)

Police subordinates	2
Private individuals	2
	4

$ (C No. 1891/37)

Chairman, Municipal Council	1
Private individuals	4
	5

It may be seen that out of the 33 witnesses examined, 17 are police subordinates; out of the remaining 16 witnesses, one was the D.M.O., one a Sub

pp- 31- 32 of (R) in linked case No II (C No 1891/37)

the Chairman of the Municipal Council and the rest private individuals.

It does not appear that the statements of the non-police witnesses had been recorded under Sec. 164 Cr. P.C. Not before P

Clause (f) of the Question. The reference is presumably the Post-mortem certificate issued by the D.M.O. A copy of that certificate is on p. 26 c.f. in the linked file. C.No. 1891/37 No. II

Subject to orders, ~~as drafts~~ answers submitted for consideration

PP 3.11.

JK 3/11

C F

5-

Draft answers for approval

HE 4/11

M C of P

P M

HE

Answers to Clauses (e) & (f) are not complete. What has happened to the enquiry. Please let me know the result. (f) has reference to the further statements if any made by the D.M.O & not to the Post Mortem Certificate.

JK Rus 6/11

There are two enquiries, viz (1) into the conduct of the police officers concerned and (2) into the causes of the delay in conducting the post-mortem examination. vide the memos on pages 52-53 and 61-62 CF in the linked file

× C.1891/A/37

1

The former enquiry is being Conducted by the D.I.G. western Range and the latter by the Surgeon-General

In regard to the former, the I.G of Police reported on 14.10.37 that the D.I.G. has not concluded the enquiry and that the G.O.H would be addressed as soon as the D.I.G's report on the enquiry is received. The further communication promised by the I.G. is awaited. He is to be reminded on 16.11.37

E P & H. may be requested to say what is the present State of the Chen enquiry and what the further Statements made by the D.M.O. are.

Sec
8/11

Sec.
8/11
E & PH

E & PH Memo 21649 A-1 Dy PH 23.XI.37.

E & ~~PH~~ Dept

The D.G's replies have been received in regard to A above and the question is dealt with in the ~~top~~ file.

This may be returned to Home.

ASSISTANT SECRETARY TO GOVERNMENT 24 NOV 1937

Memo 18074 A1 GENT

8/11/37

HR 8/11/37 ✗ disclosed 23/11

ADDL. SECRETARY TO GOVT. EDU. AGRI. AND PUBLIC HEALTH DEPT. 9 - NOV 1937

DS 9/XI

Dy call Ent 21/11/37

Sec 23/11/37

Home

Home

12

HOME DEPARTMENT.

The file referred to in the E & P.H. Deptt's note on p.5 ante, has been received separately and is submitted linked (L.F.No.I below). (P. No. 21625/37)

2. Of the two further enquiries referred to at A on p.4 ante, the result of the first enquiry, namely, the enquiry into the conduct of the police officers concerned has not yet been reported to the Govt. by the I.G. On 15.10.37 the I.G. reported that the matter was pending with the D.I.G. (The I.G. has since been reminded.) The 2nd enquiry, namely, the enquiry into the delay in conducting the post-mortem examination has, however, been completed - vide the Surgeon-General's letters at pp.7-12 C.F. in linked file No.I. It will be seen from those letters:-

— p. 64 c.F. in linked file No II (P.No. 1891/37)

(P. No. 21625/37) [illegible] D. S. P. H.

(1) that the dead body was brought to the Mangalore Hospital for post-mortem examination at 7.30 P.M. on 2.5.37,

— A on p. 8 c.F. in linked file No. I (P. No. 21625/37) [illegible] ibid [illegible]

(2) that a requisition for conducting the post-mortem examination was delivered to the Asst. D.M.O. at his residence at 8 P.M. on the same day, and

(3) that the Asst. D.M.O. telephoned to the D.M.O regarding the receipt of the requisition only at 8.45 A.M. on 3.5.37 (i.e., about 13 hours after the requisition was delivered to him).

B on p. 8 C.F. in linked file No I (P.No. 21625/37) [illegible] D. S. P. H.

The post-mortem examination was begun by the D.M.O at 10.20 A.M. on 3.5.37 (i.e., about 1½ hours after he received the information)

B on p. 8 c.F. in linked file No. I (P No 21625/37)

3. H.M's remarks on p.4 ante.- The answer to clause may perhaps be "The D.M.O. who conducted the post-mortem examination has certified that no opinion as to the cause of the death was possible on account of the state of decomposition which the body had reached at the time of the examination. It is not, therefore, possible to say what the ~~medical~~ reasons for the death were." But the S. D.M. ~~Mangalore~~ Mangalore found that there were no grounds for suspecting that death was due to police violence." (p. 24 c/f 2nd linked file.)

A. p. 26 c.F. in linked file No. II (P.No. 1891/37)

For orders.
[illegible].

clause (f) of the L.H.Q.

13/

C F

Clause (f) of the L.A.Q.- The D.M.O. made a statement before the S.D.M. Mangalore. That was subsequent to the issue of the post-mortem certificate. The statement will be found at pp.57-62 of the file at (L) in linked file No.II. The statement made by the D.M.O. with reference to the explanation called for by the Surgeon-General will be found in his letters at pp.8 & 9 C.F. in linked file No.I. For orders as to what answer will be given to clause (f) of the question.

(C No.1891/A/37)

(C No. 21625/37)

C F

App
27.11.
JU
27/11

The following answer is suggested to clause (f):--

pp.57-62 of 2nd linked file.

A

"In his evidence before the S.D.M., Mangalore, the D.M.O. stated that he found no injuries on the body except half a dozen punctiform skin abrasions on the left frontal eminence and nine similar abrasions over the bridge of the nose and the flabella and also an oval skin abrasion over the centre of the lower lid of the left eye; that these were all very minor injuries and might have been caused by deceased rolling on the floor and his face striking a hard surface like the floor; that these injuries were most probably not caused by violence. The D.M.O. added that on account of the state of decomposition of the body, no opinion as to the cause of death was possible."

It may be recalled that first the S.D.M. Mangalore made an enquiry. As a result of the enquiry, the S.D.M. made a report to the D.M. That report is at pp.14-24 of the second linked file. The S.D.M's finding, in para 14 of his report, is that there are no grounds to suspect any foul play, i.e., there are no grounds to suppose that Sanku Chetty died as a result of police ill-treatment. The S.D.M. thinks (para 4 of the report) that death was probably natural. But he considers (para 11) that there was probably

some slackness in the station in that Sanku Chetty appears to have lain neglected in the cell and to have died considerably before the police noticed, as they should have done, that anything was wrong with him.

On the basis of the S.D.M's report, the Govt. directed the I.G. of Police to enquire into these aspects of the conduct of the police officers concerned (vide Memo at pp.52 and 53 of 2nd linked file). The I.G. has not yet submitted his report.

An enquiry into the conduct of the Asst. D.M.O. and the D.M.O. in delaying the post mortem examination of Sanku Chetty, as a result of which delay the precise medical reasons for Sanku Chetti's death could not be determined was also directed by the Govt. The file relating to that enquiry is the first linked file below. Please see the observations of Secy., E.P.H., on the result of the enquiry. (p. 5 n.f. of that file).]

GBT
29/11

S

Must eclipse the answers
fix the answers to (c) & (e)
as at- A. unst 7. & A unst (6)

Retyped and sent.
Draft answers for clearance

Pp
1-12-

JK
4/12

M

1.12

M CM KRus
2/12

J.M

MC

9/15

The answers are approved. But this is very unsatisfactory. In a serious case like this, wherein I had asked certain aspects to be looked into so long ago as 27-8-37, no definite action has yet finally taken shape. Three months is too long an interval where the conduct of the officers in charge of a head quarters Police Station and a head quarters hospital are impeached in a case of death in lock-up. I want an enquiry to be made as soon as possible, and such persons, if any, who are found guilty of neglect or worse to be suitably dealt with. The Asst. D.M.O. should immediately be asked for explanation as to whether he has anything to say in justification of his admitted delay in setting about the business in connection with the dead body delivered to his charge with the information that it was a case of death in the Police lock-up. If the Asst. D.M.O. sticks to the version that he sent news to the D.M.O. only next day, the latter is of course not to blame. As for the men in charge of the Police Station, it is not easy to accept the version that a man was in lock-up the whole day and he died in custody and the body reached decomposition stage without anyone knowing why or how. Action must be taken against the Police Officer or officers responsible on points arising out of the Sub Divisional Magistrate's report in the case.

K

C.R.
6/12

E. 11.12.37

The answer of the
L.A.G.

10 16

L. A. Q. has been despatched, and pp. 2-3 C.F.
an Extract of H. M's note on 53
p. 9 ante has been added to the 26/3
linked file ~~MATTER~~ for
necessary action. There is no at p. 18 n/f. in the linked file (C. No 1891/37)
further action on this file at
present. It may be put up pending
receipt of the Copy of the printed
proceedings of the Legl. Assembly.

RP
16.12.
JK
16/12

HR.
17/12

The L. A. Q. was answered
on 21-12-37 - vide Extract
from the printed proceedings
of the Assembly on p. 6 C. F.
There is no further action.
The papers may be 'recorded'

RP
21-3-
JK
21/3

HR
21/3

G. O. No 1628d.
M. S. 26/3
L. A. Q. December
1937 - Police
Naingalowtown -
Death of Patient
Shelly in the
lock-up.